In the High Court of Judicature at Madras

Dated: 17.11.2006

Coram:

The Hon'ble Mr.Justice K.CHANDRU.

C.R.P.(PD) No.1276 of 2004
and
C.M.P.No.12331 of 2004

1. Venkattan S/o Raman
2. Unnamalaiyamman
W/o Venkattan ... Petitioners/Plaintiffs

Vs.

1. Mookuthiyan S/o Periathambi
2. Kullan S/o Lakshmanan
3. Raman S/o Chinnathambi
4. Subramaniyan S/o Lakshmanan ... Respondents/defendants

Civil Revision Petition filed under Article 227 of the Constitution of India against the fair and decretal orders dated 7.4.2004 passed in I.A.No.1049 of 2004 in O.S.No.133 of 2002 on the file of the II Additional District Munsif's Court, Kallakurichi.

For Petitioners .. Mrs.Nilafer
for Mrs.Hema Sampath.

For Respondents .. No appearance.

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O R D E R

This Civil Revision Petition is filed against the order of the II Additional District Munsif, Kallakurichi made in I.A.No.1049 of 2004 in O.S.No.133 of 2002 dated 7.4.2004.

2. The petitioners/plaintiffs filed an application for reissue of warrant to the Advocate Commissioner, who was originally appointed at the instance of the respondents/defendants on the ground that the Commissioner has not discharged his duties by making a report is on the physical features of the suit property including the boundaries.

3. The learned trial Judge dismissed the said application on the ground that once objection to the Commissioner's report is made by the plaintiffs, the relevancy of the Commissioner's report is to be decided during the final hearing.

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4. I do not see anything wrong in the order passed by the learned trial Judge. The order does not require any revision by this Court. It is open to the petitioners/plaintiffs to make all the objections at the time of final hearing, against the acceptability of the report of the Commissioner.

5. This Civil Revision Petition is dismissed. No costs. Consequently, C.M.P.No.12331 of 2004 is closed. In view of the fact that the matter has been stayed by this Court since the last two years and the suit is of the year 2002, the trial Court is directed to dispose of the suit within a period of three months from the date of receipt of copy of this order.

gr.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The II Additional District Munsif, Kallakurichi.

+ 1 cc to M/s. Hema Sampath, Advocate SR No. 55976

C.R.P.(PD)NO.1276 OF 2004

TEJ(CO)
SR/6.12.2006

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